

REFERENCE TITLE: **graffiti related materials; storage; display**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2794

Introduced by
Representatives Campbell CH, Schapira, Sinema, Senator McCune Davis:
Representatives Ableser, Barnes, Barto, Burns J, Clark, Crandall,
DeSimone, Driggs, Farley, Meza, Nelson, Prezelski, Tobin, Senators Aboud,
Burton Cahill

AN ACT

AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2928; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 13, chapter 29, Arizona Revised Statutes, is amended
3 by adding section 13-2928, to read:

13-2928. Unlawful storage and display of aerosol spray paint, broad-tipped indelible markers and etching solutions: applicability; classification

7 A PERSON SHALL NOT STORE OR DISPLAY OR CAUSE TO BE STORED OR
8 DISPLAYED AEROSOL SPRAY PAINT CONTAINERS, BROAD-TIPPED INDELIBLE MARKERS OR
9 ETCHING SOLUTIONS IN AN AREA THAT IS ACCESSIBLE TO THE PUBLIC WITHOUT
10 EMPLOYEE ASSISTANCE IN THE REGULAR COURSE OF BUSINESS PENDING LEGAL SALE OR
11 DISPOSITION IF THE PERSON:

12 1. OWNS, CONDUCTS, OPERATES OR MANAGES A BUSINESS WHERE AEROSOL SPRAY
13 PAINT CONTAINERS, BROAD-TIPPED INDELIBLE MARKERS OR ETCHING SOLUTIONS ARE
14 SOLD.

15 2. SELLS OR OFFERS FOR SALE AEROSOL SPRAY PAINT CONTAINERS,
16 BROAD-TIPPED INDELIBLE MARKERS OR ETCHING SOLUTIONS.

17 B. THIS SECTION DOES NOT PRECLUDE THE STORAGE OR DISPLAY OF AEROSOL
18 SPRAY PAINT CONTAINERS, BROAD-TIPPED INDELIBLE MARKERS OR ETCHING SOLUTIONS
19 IN AN AREA THAT IS ANY OF THE FOLLOWING:

20 1. IN THE LINE OF SIGHT OF A CASHIER OR WORK STATION THAT IS NORMALLY
21 CONTINUOUSLY OCCUPIED DURING BUSINESS HOURS.

22 2. ELECTRONICALLY PROTECTED OR VIEWED BY SURVEILLANCE EQUIPMENT THAT
23 IS MONITORED DURING BUSINESS HOURS.

24 3. VIEWABLE TO THE PUBLIC IF THE CONTAINERS, MARKERS OR SOLUTIONS ARE
25 NOT ACCESSIBLE TO THE PUBLIC WITHOUT EMPLOYEE ASSISTANCE.

26 C. THIS SECTION DOES NOT PROHIBIT CITIES OR TOWNS FROM ENACTING AND
27 ENFORCING ORDINANCES TO PROHIBIT THE STORAGE OR DISPLAY OF AEROSOL SPRAY
28 PAINT CONTAINERS, BROAD-TIPPED INDELIBLE MARKERS OR ETCHING SOLUTIONS THAT
29 PROVIDE FOR A PENALTY THAT IS AT LEAST AS STRINGENT AS THAT PRESCRIBED BY
30 THIS SECTION.

31 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 3
32 MISDEMEANOR.